

**APPROVED
MINUTES
NORTHWEST PROGRESSO – FLAGLER HEIGHTS
REDEVELOPMENT ADVISORY BOARD
FORT LAUDERDALE
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
OCTOBER 28, 2009 – 3:30 P.M.**

<u>Members Present</u>	<u>Attendance</u>	Cumulative Attendance May 2009 - April 2010	
		<u>Present</u>	<u>Absent</u>
Michael Ferber, Chair	P	6	0
Ella Phillips, Vice Chair (arr. 3:39)	P	6	0
Phyllis Berry (arr. 3:39)	P	4	2
James Brady	P	5	1
Ron Centamore	P	5	1
Mickey Hinton	A	4	2
Bradley Hubert	P	4	2
Doug Sterner	P	5	1
Clare Vickery	P	1	5
Alan Gabriel	A	3	3
Jerry Heniser	A	3	3
Samuel Williams	P	6	0
Jessie Adderley	P	5	1
Steve Lucas	P	5	0
John Wilkes	P	5	0

Staff

Alfred Battle, CRA Director
Sandra Doughlin, Secretary
Thomasina Turner-Diggs, CRA
Angela Wilson, CRA
Bob Wojcik, CRA
Jennifer Picinich, Recording Secretary

Communications to the City Commission

None

I. Call to Order/Roll Call

The meeting was called to order at 3:34 p.m. by Chair Ferber. As of this date there were fifteen appointed members to the Committee, which means eight would constitute a quorum. Following a roll call it was determined that a quorum was present.

II. **Approval of July 15, 2009, September 9, 2009, and September 23, 2009 Minutes**

July 15 1009 Minutes

Ms. Phillips noted on page seven, "The future of the black areas" should read, "The future of the blighted areas."

Motion made by Mr. Brady, seconded by Mr. Williams, to approve the minutes of the July 15, 2009 meeting with the change noted.

In a voice vote, the motion was approved unanimously.

September 9, 2009 Minutes

Motion made by Mr. Brady, seconded by Mr. Williams, to approve the minutes of the September 9, 2009 meeting.

In a voice vote, the motion was approved unanimously.

September 23, 2009 Minutes

Mr. Sterner noted a correction on page four, and asked the sentence be changed to read "Sistrunk Boulevard" rather than "Sistrunk Avenue."

Mr. Hubert noted on page six the sentence read "...noted the expenses to run the City were going up exponentially," and requested "...but revenues, at best, would be flat" be added to the sentence.

Chair Ferber noted on page three the sentence "Chair Ferber noted the suburban parking code in a business district was a subject the Board had long advocated" should read "Chair Ferber noted the suburban parking code was a subject the Board had long sought to change."

Motion made by Mr. Brady, seconded by Mr. Centamore, to approve the minutes of the September 23, 2009 meeting with the noted changes.

In a voice vote, the motion was approved unanimously.

III. **Request for Funding – M.S. Florida Enterprise LLC**

Mr. Battle provided a packet of material regarding the history of the funding request for exterior improvements to the multi-family building using façade grant funding. Mr. Battle pointed out there was little activity in the area with residential housing, and there may be a desire in the future for owners to make upgrades to multi-family properties with few dollars available. Mr. Battle stated this may be an opportunity for the CRA to expand efforts to improve the appearance of the neighborhoods by allowing owners to take advantage of CRA dollars.

Mr. Battle explained the improvements to the building were already completed, and the owner came forward with the request after the fact. Mr. Battle noted the applicant provided substantial back up showing how the dollars were spent in addition to the intention of the developer to bring the properties back to a useable condition in the existing market. Mr. Battle expressed the Staff support of the project and noted the property was vacant and in disrepair for a very long time.

Chair Ferber noted the presence of the property owner, Michael Salvatore, and the extensive backup information provided, and opened the issue to the Board for discussion.

Mr. Brady congratulated Mr. Salvatore for having the fortitude to take on such a project, and felt there was a real improvement to the neighborhood. Mr. Brady cited an inconsistency between the presentation and the request on the application, and asked if all improvements were complete. Mr. Salvatore confirmed all improvements were complete. Mr. Brady summarized the Board was being asked to provide sixty thousand dollars of pay-back capital for the improvements, and expressed concern with others could come in after the fact requesting money for improvements. Mr. Brady asked if the "after the fact" reimbursement was allowed legally. Mr. Battle agreed with Mr. Brady's points, and noted the same thing was done in the past, some of which were approved with discussion regarding improvements in advance, however the applicants did not go through the appropriate application process.

Mr. Battle felt, following discussion with members of the legal group, if the grant money was in furtherance of the plan there was nothing in the bylaws or the programs requiring the application to be approved prior to the work being completed. Mr. Brady asked if the owner completed improvements, tried to rent out the property, and was unable to create rent stream to support the debt, taxes, insurance, and maintenance on the property, the owner was actually requesting the investment be subsidized. Put to the Board in that manner, Mr. Brady felt the Board would say no to the application. Mr. Brady did not feel Mr. Salvatore had done anything wrong, however was not comfortable making such a governmental recommendation from the Board's perspective.

Mr. Williams asked about the definition of commercial property, and whether or not a multi-unit residential building would be considered commercial or residential. Mr. Battle stated the building would be taxed as commercial. Mr. Battle continued by stating the program guidelines were clear regarding the location and utilization of the property, and confirmed the applicant's building was technically not commercial since the use was residential.

Mr. Lucas asked if there any other issues in the application that did not fit within the existing guidelines. Mr. Battle stated the request was for the maximum available under the program guidelines regardless of location. Mr. Lucas questioned where the Board would draw the line on reimbursements being made after the fact.

Mr. Hubert agreed with the other Board member comments and felt the residential application fell outside the original intent of the program. Mr. Sterner agreed the project "stretched the envelope or the parameters of the program," however was very happy to see the CRA spending some money in the neighborhood. Mr. Sterner expressed concern with the owner being unable to maintain the improvements without the funding, thus having the building fall back into disrepair. Mr. Sterner pointed out the photos provided to the Board did not do justice to the tremendous improvements accomplished by Mr. Salvatore. Mr. Sterner felt the improvements were a key component to revitalizing the neighborhood and hoped the Board would vote to approve the application.

Chair Ferber reminded the Board of previous discussions regarding the property across the street where the grant money was approved, and noted the same arguments were made at the time. Chair Ferber made opposing arguments at the time of the earlier discussion, however in deference to the Board members from the neighborhood, the Chair voted yes previously, and has since regretted the vote. Chair Ferber noted he did not intend to vote yes to this application.

Chair Ferber elaborated by explaining the "shotgun" tri-plexes and four-plexes with back out parking, no matter how well they were renovated, was "bad." Chair Ferber noted the application described the property as "purchased condemned property," and noted if the property were vacant this type of building would not be allowed under the current zoning laws. Chair Ferber understood when the cost of the improvements exceeded fifty percent of the existing valuation a building permit would not be issued, and questioned how the building permit was issued in this case. Chair Ferber believed for the neighborhood would have been better served had the buildings been demolished. Chair Ferber regretted the principal put his money into the buildings, however felt the Board would compound that error by spending Agency money at this point.

Mr. Brady felt if the buildings were determined to be unsafe structures an order would have been given to either do the repairs or tear the buildings down. Chair Ferber agreed despite the condition of the buildings they did not go into non-conformance. Mr. Brady asked Mr. Battle if Staff had exhausted a search for all other ways to help the economic situation for the applicant. Mr. Battle stated the search had not been exhausted.

Mr. Williams asked if the assumption was being made the developer was upside down, and did not see indication of financial distress on the part of the developer. Mr. Battle noted the developer was present to answer questions from the Board. Mr. Battle noted Staff was seeking input and advice from the Board since this situation was outside the norm.

Ms. Berry felt the request was to give the developer some money to make the project viable, and suggested Staff should look at other available resources to assist the developer. Mr. Hubert suggested the applicant could withdraw the application and look for other programs and grants, as the project did not meet the requirement for façade type financing.

Mr. Salvatore asked if the process were done on a timely basis would the application have been approved. Mr. Battle felt the Board would have the same discussion held regarding the earlier property located across the street. Mr. Battle felt much of the commentary was the same as in earlier discussions.

Mr. Salvatore noted the application went in less then forty-five days after the CO was issued, and suggested this project could be used to set a precedent.

Mr. Wilkes felt in order to encourage presentation before the fact, allowing input as to the type of improvements to be made, that the Board should not support the late application. Mr. Wilkes asked if there were other programs to encourage the improvement of residential properties within the CRA, and if not, a program should be established and criteria developed to allow for residential improvements.

Chair Ferber called for a motion.

Motion made by Mr. Brady, seconded by Mr. Hubert, to approve the application, however urging a negative vote.

In a voice vote, the motion failed, with Mr. Sterner and Ms. Vickery in favor of approval.

Motion made by Ms. Berry, seconded by Mr. Brady, to have Staff review and identify alternative possible funding sources to assist the developer.

In a voice vote, the motion was approved unanimously.

IV. Request for Funding – Flagler Village Streetscape Lighting Enhancements

Mr. Battle provided an overview of the project to improve pedestrian lighting in Flagler Village. Mr. Battle explained after visiting the site after dark the lighting elements needed to be “stepped up.” The CRA spent approximately eight hundred and seventy-five thousand dollars to improve the streetscape, however the area is still too dark from a safety standpoint.

Mr. Battle felt the lights should be installed at the City’s expense and requested approval of the expenditure. Mr. Battle provided estimates from two contractors, approximately two hundred and sixteen thousand dollars to install twenty-six light fixtures to enhance the lighting in the area. Mr. Battle emphasized the benefits from tax increments and stated the project would pay for itself.

Ms. Berry asked for clarification on the original lighting plan. Mr. Battle explained the conceptual plans were approved to make the funding available with the belief the pedestrian lights were included in the plan. Mr. Battle confirmed Staff misinterpreted the plan, and the lights were not included. There followed a conversation with the Board members regarding similar past situations and resolutions.

Mr. Centamore believed the lighting was necessary, but questioned the quoted cost. Mr. Battle provided a brief description of the fixtures to be installed. Mr. Lucas confirmed past experience with the described fixtures, and stated they were expensive fixtures.

Ms. Vickery asked if the fixtures would be in the public right-of-way or on private property. Mr. Battle confirmed they would be placed in the public right-of-way. Ms. Vickery asked if the fixtures would be affixed to FPL poles. Mr. Battle stated in the past the fixtures were placed through a maintenance agreement, with the light and the pole considered one unit to be maintained by the property owner. Mr. Battle explained the City would own the asset, however the specific maintenance agreement was not yet worked out. A Trammel Crow representative stated there would be some minimal disruption to the present landscaping during installation of the lights.

Mr. Lucas noted Trammel Crow stepped up and was willing to facilitate a process to make the lightscaping right in the area and were only requesting reimbursement. Chair Ferber agreed Trammel Crow should be applauded for their civic virtue.

Mr. Brady questioned whether a City department intentionally designed an area with dangerous conditions, and if the departmental managers should be made aware of the unacceptable situation. Chair Ferber concurred. Mr. Brady pointed out the flawed design created significant monetary loss to correct the problem and salvage the existing landscaping.

Mr. Williams was not opposed to the project, however requested clarification regarding the ratios mentioned by Mr. Battle. Mr. Battle explained the ratio mentioned earlier was the capital investment of the developer versus tax increment dollars provided to the project. Chair Ferber reminded the Board members surrounding the site are City blocks available for similar development, based on the success of the existing projects. Mr. Brady asked what information was used to determine the TIF. Mr. Battle stated eighty-five percent of the capital investment cost times the TIF rate.

Ms. Phillips felt the Board should do everything possible to address the issues as they come up.

Motion made by Mr. Brady, seconded by Mr. Centamore, to approve Staff recommendations.

In a voice vote, the motion was approved with Ms. Berry in opposition.

Motion made by Mr. Brady, seconded by Ms. Berry to direct the Chair to strike a communication to the City Manager with copies to the Board addressing concerns relative to the circumstances under discussion.

Mr. Battle stated the Board had the ability to make communication to the City Commission, and noted the City Commission wanted those types of motions to be unanimous. Mr. Brady explained the reason for the communication would be to emphasize the waste of taxpayer money involved with the negligence displayed in this type of issue.

Mr. Hubert felt one way to get in trouble in the development business was to have an incomplete set of plans and specifications. Mr. Hubert felt there should be control in both the approval and monitoring processes. Chair Ferber understood the original plans were complete at the time they were submitted, and at some point in the City process of modifications and approvals possibly many plans are incorrectly modified.

Ms. Nectaria Chakas, representing Trammel Crow, explained the plans were initially developed and approved in early 2000. Throughout the development process the plans went back through DRC, and no pedestrian lighting was ever shown on the engineering drawings.

Mr. Brady withdrew the motion based on the explanation from Trammel Crow.

Mr. Wilkes felt if streetscape plans was deemed to be important for safety and for design criteria for all projects within the CRA there should be a requirement for any plans for development within the area to contain streetscaping to allow the issue to be addressed. Chair Ferber asked Mr. Wojcik if new projects seeking approval in the Flagler area required pedestrian lighting. Mr. Wojcik did not believe the master plan specified lighting. Mr. Battle agreed, and explained the master plan dealt with landscaping, however the lighting was not covered. Mr. Wojcik stated "illumination" was covered in the master plan, however the type of lighting was not covered.

Motion made by Mr. Wilkes, seconded by Mr. Lucas, to have Staff explore what the appropriate mechanism would be to ensure the review process for any new development included a streetscape plan with appropriate lighting.

Mr. Sterner felt the Board needed to encourage the setting of an appropriate standard, the City standard of simply illuminating the right-of-way is insufficient. Ms. Vickery agreed this was an important issue for the area, and the codes for private property did not address commercial high-grade pedestrian-friendly lighting. Ms. Vickery suggested working with Planning on future projects to "bump up" the standard.

In a voice vote, the motion was approved unanimously.

V. Presentation – Flagler Village Park

Mr. Battle introduced Terry Rynard, Assistant Director of the Parks Department, to provide and update and information regarding park issues.

Ms. Rynard noted the Flagler Heights Park was renamed by the City Commission as Peter Feldman Park. The following updates were provided regarding the park:

- The alley was vacated by the Planning and Zoning Board
- Construction is due to be complete by September 2010
- The neighbors were consulted regarding design ideas, and the park would be an urban park.

- The implements in the park would be more metallic and geometrical than some of the other parks.
- A “futuristic” playground would be included to provide upper body exercise.
- Trellises designed by Tom White would be an art element providing shade.
- Bike racks, benches, tables, play equipment, drinking fountain, and parking would be included in the plan.

Chair Ferber asked about a pedestrian walkway along 6th Street at the curb edge in the original drawing. Chair Ferber recalled the walkway was to be pulled back from the edge of the road. Ms. Rynard confirmed the drawing provided to the Board was not yet updated and the walkway would be pulled back from the curb with a small green buffer between the sidewalk and the curb.

Ms. Rynard explained the estimated cost of the project was six hundred and forty-five thousand dollars. The FERDEP Grant was one hundred and thirty-five thousand. A second seventy-five thousand dollar grant was received from the County’s Parks for People program, in addition to the fifty-one thousand received from the County in the previous year. Ms. Rynard stated there were two hundred and fifty thousand dollars worth of impact fees. The impact fees could only be used in the downtown area, all designated for the park. Ms. Rynard stated there was still a two hundred thousand dollar shortfall.

Mr. Brady asked about a planned space for a monument sculpture. Ms. Rynard stated there was not a particular planned space, however there were opportunities at the entryways or along Sistrunk. Ms. Rynard added the engineering drawings were approximately eighty percent complete, and some sort of column feature would be located at the entryways.

Mr. Hubert asked if the neighborhood association had seen the drawings. Ms. Rynard confirmed the neighborhood association was included in early discussions and agreed to all the improvements suggested.

Motion made by Mr. Brady, seconded by Mr. Centamore, to reflect a favorable vote for the project as conceptually designed, and to contribute CRA funds to the construction fund.

In a voice vote, the motion was approved, with Mr. Wilkes opposing.

VI. Old Business

None.

VII. New Business

None.

VIII. Director's Report

None.

IX. Adjournment

With no further business to come before the Board, the meeting was adjourned at 4:51 p.m.

[Minutes prepared by K. Bierbaum, Prototype, Inc.]